

APPROVED

CHAPTER

MAR 24 '04

574

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOUR

H.P. 1358 - L.D. 1833

An Act To Amend Water Quality Laws To Aid in Wild Atlantic
Salmon Restoration

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §465, sub-§1, ¶C, as amended by PL 1999, c. 243, §8, is repealed and the following enacted in its place:

C. Except as provided in this paragraph, there may be no direct discharge of pollutants to Class AA waters.

(1) Storm water discharges that are in compliance with state and local requirements are allowed.

(2) A discharge to Class AA waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, is allowed if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the discharged effluent is for the purpose of and will assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

(a) The department may issue no more than a total of 3 discharge licenses pursuant to this subparagraph and subsection 2, paragraph C, subparagraph (2).

(b) A discharge license issued pursuant to this subparagraph may not be effective for more than 5 years from the date of issuance.

Sec. 2. 38 MRSA §465, sub-§2, ¶C, as amended by PL 2003, c. 318, §3, is further amended to read:

C. ~~Direct~~ Except as provided in this paragraph, direct discharges to these waters licensed after January 1, 1986, are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require the applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist. ~~This paragraph does not apply to the discharge of storm water.~~

(1) This paragraph does not apply to a discharge of storm water that is in compliance with state and local requirements.

(2) This paragraph does not apply to a discharge to Class A waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the discharged effluent is for the purpose of and will assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

(a) The department may issue no more than a total of 3 discharge licenses pursuant to this

subparagraph and subsection 1, paragraph C, subparagraph (2).

(b) A discharge license issued pursuant to this subparagraph may not be effective for more than 5 years from the date of issuance.

Sec. 3. Reporting. The Atlantic Salmon Commission shall inform the joint standing committee of the Legislature having jurisdiction over natural resources matters when a license is issued pursuant to the Maine Revised Statutes, Title 38, section 465, subsection 1, paragraph C, subparagraph (2) or Title 38, section 465, subsection 2, paragraph C, subparagraph (2) and shall report on the status of Atlantic salmon restoration in connection with those licenses. The commission shall provide updates concerning the progress of the Atlantic salmon restoration every 2 years thereafter.

